

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

) Examiner: Not Yet Assigned

)

Serial No.: Not Yet Assigned

) Group Art Unit: Not Yet Assigned

)

) Attorney Docket No: 03-032

)

Filing Date: April 12, 2004

) **CUSTOMER NO.: 22927**

)

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For: SYSTEM AND METHOD FOR  
PROVIDING PRODUCTS TO GAME  
PLAYERS

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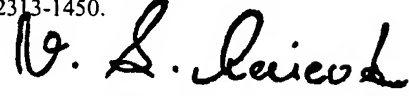
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope with sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 04.12.04 By: 

Veronika S. Leliever

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent

to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:  
  
☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.  
  
☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

- [ ] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
5. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
  - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
  - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
- ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.
9. ☐ I hereby certify:
- ☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ Please accept payment of the fees due as indicated below:
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).


[ ] The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

April 12, 2004  
Date

  
\_\_\_\_\_  
Michael D. Downs  
Attorney for Applicants  
Registration No. 50,252  
Mdowns@walkerdigital.com  
(203) 461-7292/phone  
(203) 461-7300/fax

<b>INFORMATION DISCLOSURE CITATION</b>				Docket Number 03-032		Serial Number Not Yet Assigned	
				Applicants WALKER et al.			
				Filing Date April 12, 2004		Group Art Unit Not Yet Assigned	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	5,620,182	04/15/97	Rossides	273	138.2	
	B	5,916,024	06/29/99	Von Kohorn	463	40	
	C	US 6,322,076 B1	11/27/01	Fikki	273	278	
	D	US 2002/0065757 A1	05/30/02	Lam	705	37	
	E	US 2002/0143619 A1	10/03/02	Laurie	705	14	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No


  

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>	
F	Website: "Ohio retailer rescues Filene's Basement", ( <a href="http://www.epicuredigital.com/pdfs/history.pdf">http //www epicuredigital com/pdfs/history pdf</a> ), Eagle-Tribune Publishing, February 4, 2000

EXAMINER	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

 <b>INFORMATION DISCLOSURE CITATION</b>		<b>Docket Number</b> 03-032	<b>Serial Number</b> Not Yet Assigned
		<b>Applicants</b> WALKER et al.	
		<b>Filing Date</b> April 12, 2004	<b>Group Art Unit</b> Not Yet Assigned
<b>OTHER DOCUMENTS</b> <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>			
	G	Daniels, Malcomb, "City Awaits Court Ruling on Legality of Adult Arcades", Birmingham News, January 16, 2002, Section: Neighborhoods.	
	H	O'Brien, Julie, "Spend some hazy, lazy days reading this summer; Neighbor", Daily Herald, May 29, 2002, Section: pg. 3.	
	I	Website: "Flibid.com – Flipping the Rules! Flibid.com Free Reverse Auction Site for Buyers and Sellers", ( <a href="http://www.epicuredigital.com/pdfs/history.pdf">http //www epicuredigital com/pdfs/history pdf</a> ), Copyright 2003.	
	J	"Bonita Springs", The News-Press (Fort Myers, FL), February 3, 2003, Section: South Lee Bonita, pg. 2H.	
<b>EXAMINER</b>		<b>DATE CONSIDERED:</b>	
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			